

granted. In the event any fee is required or any refund is due, please charge the required fee(s) and/or credit the refund(s) due to our Deposit Account No. 04-0100.

REMARKS

Claims 1-55 are currently pending in this application. The Examiner has required, in the Official Action, a restriction of the pending claims to one of the following groups:

Group I: Claims 1-3, directed to molecular fingerprinting methods; and;

Group II: Claims 4-55, directed to methods of identifying a polynucleotide.

In order to be fully responsive to the Requirement for Restriction, Applicants hereby elect, with traverse, to prosecute the claims of Group II (claims 4-55) directed to methods of identifying polynucleotides. However, Applicants respectfully traverse the Requirement for Restriction and reserve the right to petition therefrom under 37 C.F.R. § 1.144. In particular, Applicants respectfully respectfully request reconsideration of the Requirement for Restriction and submit that the Restriction Requirement should be withdrawn and that all of the pending claims should be examined in this application.

Under Patent Office examining procedures, "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

See, M.P.E.P. § 803 (emphasis added). The groups of claims designated by the Examiner do not, however, define methods which are sufficiently distinct to warrant separate examination and searches. For these reasons, Applicants respectfully submit

that the requirement for restriction should be withdrawn and that all of the pending claims should be examined in this application.

Respectfully submitted,

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Samuel S. Woodley
Samuel S. Woodley, Ph.D.
(Reg. No. 43,287)
Agent for Applicants

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700

Serial No. 09/826,373
Response to Restriction Requirement

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